

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

CLERK OF DISTRICT COURT

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutheron & Plaza Blanca

Subfile No. CHRU-004-0013

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court on the Motion of the Plaintiff State of New Mexico, *ex rel.* State Engineer, for Default Judgment filed October 13, 2005 (Doc. 8030).

Having reviewed the Motion and being otherwise fully advised in the premises, I find the request to be well-taken, and that it should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and subject matter herein.
2. The defendant named below has been legally served with process or has waived service of process.
3. The defendant named below has failed to appear, answer, or otherwise defend in this cause, and is adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System Section 7, Rutheron & Plaza Blanca (April 30, 2002), and the revisions to subfile CHRU-004-0013 relating to defendant's water rights, have been introduced into the

8060

record, and the same are incorporated and made a part of this Order.

5. The water rights of the defendant named below in the above-styled and captioned cause are as follows:

ROBERTO ULIBARRI

Subfile No. CHRU-004-0013

A. IRRIGATION (Surface Water Only)

Office of the State Engineer File No(s) 03303

Priority: Reserved for future determination by court order dated November 19, 2002.

Source of Water: Surface waters of the Rio Chama, a tributary of Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: PLAZA BLANCA DITCH

Location: X = 1,541,189 feet Y = 2,082,415 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	<u>4.7 acres</u>
Total	4.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No. CHRU-004-0013

Amount of Water: Reserved for future determination by court order dated November 19, 2002.

IT IS, THEREFORE, ORDERED that the above-named defendant be and hereby is, adjudicated to have the water rights set out herein above, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

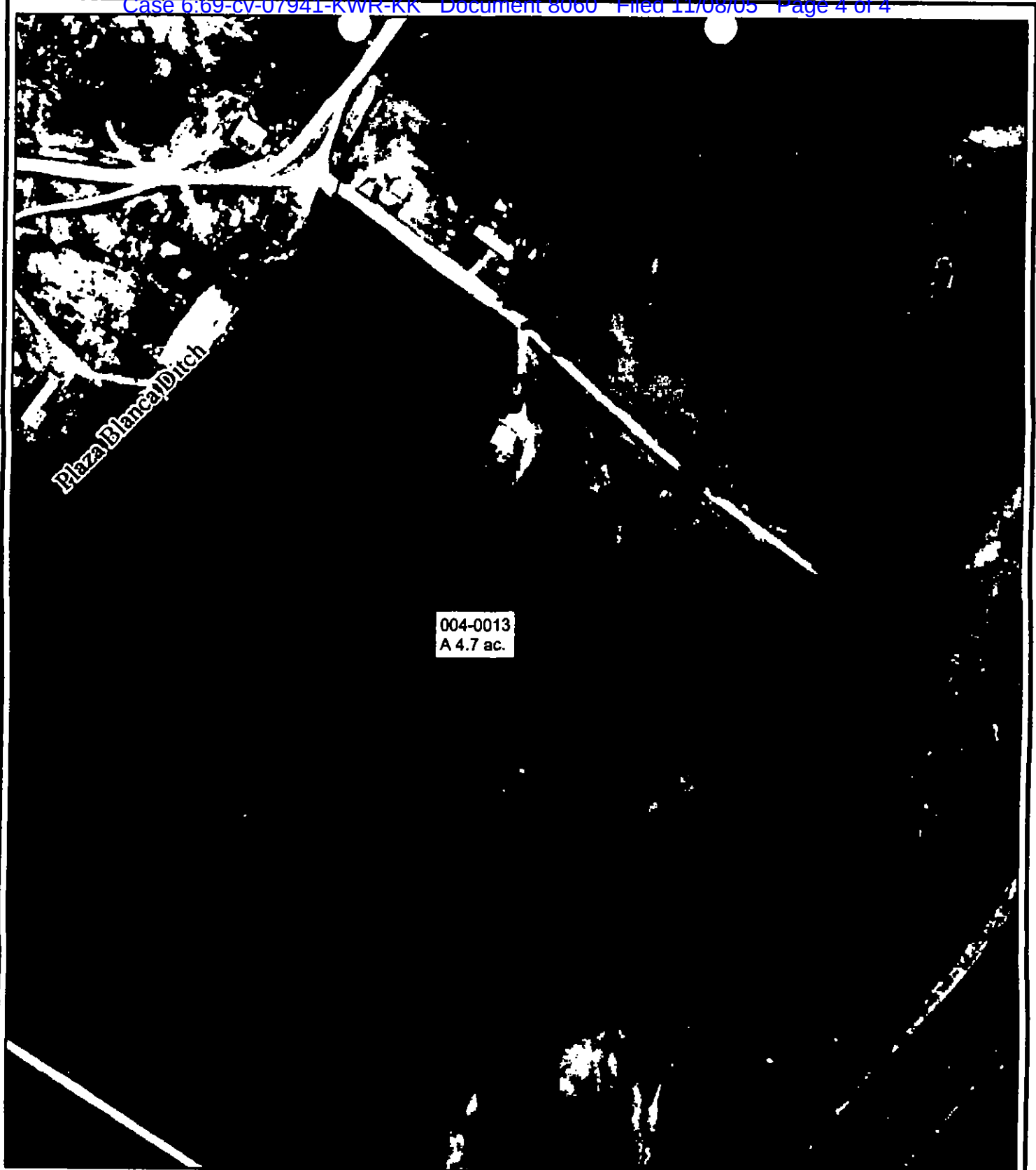
IT IS FURTHER ORDERED that the defendant, his or her successors, representatives, heirs and assigns, are enjoined from any diversion of use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE










Recommended for approval:

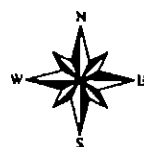


VICKIE L. GABIN
SPECIAL MASTER

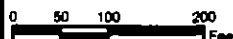


LEGEND

- | | | | |
|-------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------------------------------------|--------------------|
|  | Irrigated Tract Boundary |  | Point of Diversion |
|  | No Right Tract Boundary |  | Fallow |
|  | Seeped Area |  | No Right |
|  | Operable Ditch | | |
|  | Inoperable Ditch | | |
|  | Stock Ponds / Reservoir | | |



1 inch = 200 feet



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rutheron & Plaza Blanca Section

Subfile Number
CHRU 004-0013
Plaza Blanca Ditch
AMENDED
August 2, 2004

